

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Michael Rosenbauer et al.
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Group Art Unit: 1711
Examiner: David G. Cormier
Title: DISHWASHER WITH A DISPLAY DEVICE

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APPEAL BRIEF

Pursuant to 37 CFR 1.192, Appellants hereby file an appeal brief in the above-identified application. This Appeal Brief is filed within one month of the Notice of Panel Decision from Pre-Appeal Brief Review dated May 5, 2011 and is accompanied by the requisite fee set forth in 37 CFR 1.17(f).

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(1) REAL PARTY IN INTEREST

The real party in interest is BSH Bosch und Siemens Hausgeräte GmbH.

(2) RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) STATUS OF CLAIMS

Claims 11-22 are pending in the application and are the basis for the appeal. Claims 1-10 were canceled in the April 11, 2006 Preliminary Amendment. Claim 23 was canceled in the January 25, 2011 Amendment. Claims 11 and 21 are independent.

(4) STATUS OF AMENDMENTS

The pending claims identified in the Claims Appendix correspond to the claims entered following the submission of the January 25, 2011 Amendment.

(5) SUMMARY OF CLAIMED SUBJECT MATTER

The present invention as recited in independent claim 11 relates to a dishwasher comprising a program control that controls washing operations in a washing container in

which items to be washed are disposed; and an optical display device having means 1 (light-emitting diode, for example) for producing a light beam whose beam path can be directed onto a display surface 4; and at least one color filter disk 3 arranged in the beam path of the light beam produced by the light means 1, wherein the color of the light beam directed onto the display surface 4 is influenced by the at least one color filter disk 2 (page 4, lines 21-29 and FIG. 1).

As recited in independent claim 21, another exemplary embodiment may include a dishwasher comprising a program control that controls washing operations in a washing container in which items to be washed are disposed; and an optical display device 1, 2 structured to produce a light beam whose beam path can be directed onto a display surface 4; and at least one color filter disk 3 arranged behind the display surface 4 relative to the beam path of the light beam produced by the light means (page 5, lines 1-7).

As recited in dependent claim 18, the invention may further include a light shaft 2 arranged in the beam path of the light beam produced by the light means 1, the light shaft 2 having a reflecting surface on a side thereof facing the light beam (page 4, lines 23-24). Further, dependent claim 13 recites an embodiment wherein the at least one color filter disk 3 is arranged behind the display surface 4 relative to the beam path of the light beam produced by the light means 1 with the at least one color filter disk 3 being a selected one of an exchangeable at least one color filter disk that can be exchanged out of its location in the beam path of the light beam such that a selected one of another color filter disk and no color filter disk can be provided in lieu of the exchanged-out at least one color filter disk and a non-

exchangeable at least one color filter disk adapted to remain in its location in the beam path of the light beam without exchange thereof for a selected one of another color filter disk and no color filter disk (page 5, lines 18-25).

In the invention, the disk determines the color of the light beam. Based on the selection of the color filter disk, different colors can be produced and different types of information can be reproduced on the display surface, for instance, information on the manufacturer or range of products of the dishwasher in question without having to modify the display device.

(6) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

(a) Whether claim 11/18 is anticipated under 35 U.S.C. § 102(b) by Favaro (EP 1332708).

(b) Whether claim 11/13 is unpatentable under 35 U.S.C. § 103(a) over Favaro in view of the admitted state of the art (ASA) or Nonogaki (U.S. Patent No. 5,279,134).

(7) ARGUMENT

(a) Claim 11/18 is NOT anticipated under 35 U.S.C. § 102(b) by Favaro (EP 1332708).

With respect to Favaro, the grounds of rejection state that Favaro discloses a display panel for a home appliance containing program control, including dishwashers. The device includes a lamp 5 which can be an LED (citing col. 3 lines 20 - 25). The grounds of rejection state that also disclosed is a light conducting means in the form of a fiber optic cable 7

readable on a light shaft. The lamp is oriented to focus the light and reflect it towards a transparent display surface 11. Located in between the lamp and the surface is an automatic color filter 12, capable of selecting various sections 15 by a motor 12. As such, the grounds of rejection and Response to Arguments in the Final Office Action maintain that the subject matter of claims 11, 14, 18-20 is anticipated by Favaro.

Appellants respectfully submit that the present invention includes features not taught or suggested by Favaro. For example, the present invention includes “a light shaft arranged in the beam path of the light beam produced by the light means, the light shaft having a reflecting surface on a side thereof facing the light beam” as recited in rejected claim 18. The grounds of rejection and Response to Arguments in the Final Office Action as well as the Advisory Action state that the fiber optic cable 7 of Favaro is readable on the claimed light shaft. However, Appellants respectfully submit that the fiber optic cable would not be considered a semi-spherically constructed light shaft as in the present invention. As inherent in the rejection, Kawaguchi does not disclose or suggest a light shaft.

(b) Claim 13 is NOT unpatentable under 35 U.S.C. § 103(a) over Favaro in view of the admitted state of the art (ASA) or Nonogaki (U.S. Patent No. 5,279,134).

As recited in claim 11/13, the present invention recites at least one color filter disk arranged *behind the display surface* relative to the beam path of the light beam produced by the light means. The grounds of rejection state that Favaro teaches an automatically

exchangeable color filter disk, but does not disclose an additional non-exchangeable color filter. The grounds of rejection allege that inclusion of such a device is not considered to be patentable. The grounds of rejection notes that as stated in the admitted state of the art, the prior art required different light means for the reproduction of different colors. Thus, the grounds of rejection state that it is understood that the prior art used multiple lamps with non-exchangeable color filters to represent different colors, and that many elements read on color filter such as colored bulbs or sheets of colored plastic or glass, which are conventional in the art for providing colored light.

Also, the grounds of rejection state that Nonogaki discloses a display portion with a singular portion 7 that is individually colored, as opposed to exchangeable. Non-exchangeable filters as well as exchangeable color filters are considered to be conventional according to the grounds of rejection. Including an additional filter requires nothing more than routine skill and provides the predictable result of filtering color. As such, the grounds of rejection state that it would have been obvious at the time of invention to modify Favaro and include an additional color filter that is stationary, as is known in the prior art and provides expected results.

Appellants respectfully submit that Favaro does not teach such a placement of at least one color filter disk *arranged behind the display surface* relative to the beam path of the light beam produced by the light means. Notwithstanding the remarks in the Response to Arguments in the Final Office Action, the Board is kindly directed to item 6 in Figure 1 of the

present application for a depiction of this location. In Favaro, the filter 12/15 is arranged between lamp 5 and a receiving end of fiber optic cable 7 (see paragraphs [0014] and [0018]). Nonogaki is used in the grounds of rejection solely for its alleged teachings of display section 7, and does not teach such a filter as in the present invention (see col. 4, lines 8-12).

(8) CONCLUSION

In view of the foregoing discussion, Appellants respectfully request reversal of the Examiner's rejections.

Respectfully submitted,

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CLAIMS APPENDIX

1 - 10 (Canceled).

11. (Rejected) A dishwasher comprising:

a program control that controls washing operations in a washing container in which items to be washed are disposed; and

an optical display device having means for producing a light beam whose beam path can be directed onto a display surface; and

at least one color filter disk arranged in the beam path of the light beam produced by the light means, wherein the color of the light beam directed onto the display surface is influenced by the at least one color filter disk.

12. (Rejected) The dishwasher according to claim 11, wherein the at least one color filter disk is arranged between the light means and the display surface relative to the beam path of the light beam produced by the light means with the at least one color filter disk being a selected one of an exchangeable at least one color filter disk that can be exchanged out of its location in the beam path of the light beam such that a selected one of another color filter disk and no color filter disk can be provided in lieu of the exchanged-out at least one color filter

disk and a nonexchangeable at least one color filter disk adapted to remain in its location in the beam path of the light beam without exchange thereof for a selected one of another color filter disk and no color filter disk.

13. (Rejected) The dishwasher according to claim 11, wherein the at least one color filter disk is arranged behind the display surface relative to the beam path of the light beam produced by the light means with the at least one color filter disk being a selected one of an exchangeable at least one color filter disk that can be exchanged out of its location in the beam path of the light beam such that a selected one of another color filter disk and no color filter disk can be provided in lieu of the exchanged-out at least one color filter disk and a non-exchangeable at least one color filter disk adapted to remain in its location in the beam path of the light beam without exchange thereof for a selected one of another color filter disk and no color filter disk.

14. (Rejected) The dishwasher according to claim 11 and further comprising a display surface, the display surface at least partially comprising a transparent surface that is a selected one of a matt-finished surface and a non-matt-finished surface.

15. (Rejected) The dishwasher according to claim 14, wherein the display surface is a liquid crystal display that is divided into a number of segments having transparency and color properties at least one of which is individually variable via the application of an externally applied electric voltage to the liquid crystal display.

16. (Rejected) The dishwasher according to claim 15, wherein the individual segments of the liquid crystal display are controlled individually by the program control of the dishwasher in a selected one of an electronic manner and a non-electronic manner.

17. (Rejected) The dishwasher according to claim 11, wherein a mask is arranged in a selected one of an exchangeable manner and a non-exchangeable_manner in the beam path of the light beam produced by the light means, with a with a silhouette of the mask being projected by the light beam onto the display surface.

18. (Rejected) The dishwasher according to claim 11 and further comprising a light shaft arranged in the beam path of the light beam produced by the light means, the light shaft having a reflecting surface on a side thereof facing the light beam.

19. (Rejected) The dishwasher according to claim 18, wherein the light shaft_is configured to focus the light beam produced by the light means and at least partly reflects it in the direction of the display surface.

20. (Rejected) The dishwasher according to claim 18, wherein the light means is a light-emitting diode that produces a selected one of white light and non-white light.

21. (Rejected) A dishwasher comprising:

a program control that controls washing operations in a washing container in which items to be washed are disposed; and

an optical display device structured to produce a light beam whose beam path can be directed onto a display surface; and

at least one color filter disk arranged behind the display surface relative to the beam path of the light beam produced by the light means.

22. (Rejected) The dishwasher according to claim 22, further comprising at least one second color filter disk arranged in the beam path of the light beam produced by the light means, wherein the color of the light beam directed onto the display surface is influenced by the at least one second color filter disk.

23. (Canceled).

EVIDENCE APPENDIX

None

RELATED APPEALS APPENDIX

None